

JFW 1854 13

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/973,862
	Filing Date	October 11, 2001
	First Named Inventor	Kelly G. Ammann
	Art Unit	1634
	Examiner Name	Lu, F.
Total Number of Pages in This Submission	Attorney Docket Number	GP095-06.DV4

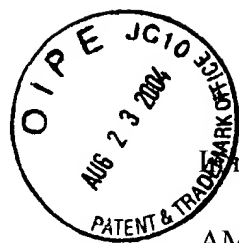
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08A in duplicate (2 pgs. total) Copies of 17 cited references Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Charles B. Cappellari Registration No. 40,937
Signature	
Date	August 19, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Charles B. Cappellari, Reg. No. 40,937		
Signature		Date	August 19, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inter Patent Application of:)	Group Art Unit: 1634
)	
AMMANN <i>et al.</i>)	Examiner: Lu, F.
)	
Serial No. 09/973,862)	Atty. Docket No. GP095-06.DV4
)	
Filed: October 11, 2001)	Confirmation No. 8811
)	
For: AUTOMATED SYSTEM FOR)	
ISOLATING AND AMPLIFYING)	
A TARGET NUCLEIC ACID)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b) & (c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the enclosed form PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. A copy of each cited reference is enclosed herewith.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits. If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of mailing indicated below, then Applicants request that this Information Disclosure Statement be treated as a submission under 37 C.F.R. § 1.97(c) and that the fee due under 37 C.F.R. § 1.17(p) be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicants respectfully request that the Examiner indicate consideration of each cited reference by returning a copy of the enclosed form PTO/SB/08 with the Examiner's initials or other

SUPPLEMENTAL IDS



Serial No. 09/973,862
Atty. Docket No. GP095-06.DV4

Certificate of Mailing

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with sufficient postage on the date indicated below with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully Submitted,

Date: August 19, 2004

By:

A handwritten signature in black ink, appearing to read "C. B. Cappellari", written over a horizontal line.

Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
PH: (858) 410-8927
FAX: (858) 410-8928

Complete if Known

(Use as many sheets as necessary)

Sheet	1	of	1
-------	---	----	---

Application Number	09/973,862
Filing Date	October 11, 2001
First Named Inventor	Kelly G. Ammann
Art Unit	1634
Examiner Name	Lu, F.
Attorney Docket Number	GP095-06.DV4

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,089,233	02-18-1992	DeVaney, Jr., et al.	
		US- 5,154,888	10-13-1992	Zander et al.	
		US- 5,229,297	07-20-1993	Schnipelsky et al.	
		US- 5,288,463	02-22-1994	Chemelli	
		US- 5,374,395	12-20-1994	Robinson et al.	
		US- 5,422,271	06-06-1995	Chen et al.	
		US- 5,460,780	10-24-1995	Devaney, Jr., et al.	
		US- 5,538,849	07-23-1996	Uematsu et al.	
		US- 5,578,270	11-26-1996	Reichler et al.	
		US- 5,714,380	02-03-1998	Neri et al.	
		US- 6,043,880	03-28-2000	Andrews et al.	
		US- 6,103,193	08-15-2000	Iwahashi et al.	
		US- 6,586,234 B1	07-01-2003	Burg et al.	
		US- 2002/0031446 A1	03-14-2002	Friedlander et al.	
		US- 2002/0086417 A1	07-04-2002	Chen	
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 640 828 B1	05-10-2000	F. Hoffmann-La Roche AG		

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.